

Appl. No. 10/040,177
Amtd. Dated October 6, 2004
Reply to Office Action of August 18, 2004

Attorney Docket No. 81784.0245
Customer No.: 26021

REMARKS/ARGUMENTS

Claims 1 and 3-8 are pending in the Application. As discussed below, it is respectfully submitted that claims 1 and 3-8 patentably distinguish over the prior art in their present form. No new matter is involved.

In Paragraph 2 on page 2 of the Office Action, claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,052,347 of Miyata in view of U.S. Patent 6,404,712 of Lee or U.S. Patent 6,646,965 of Kim. In Paragraph 3 which begins on page 3 of the Office Action, claims 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyata and Lee (or Kim) and further in view of U.S. Patent 6,134,209 of Den Boef. In Paragraph 4 which begins on page 4 of the Office Action, claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyata and Lee (or Kim) and further in view of U.S. Patent 5,321,679 of Horiguchi. In Paragraph 5 on page 5 of the Office Action, claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyata, Lee (or Kim) and Horiguchi, and further in view of JP 58164059A of Inaba. In Paragraph 6 which begins on page 5 of the Office Action, claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyata, Lee (or Kim) and Horiguchi, and further in view of U.S. Patent 4,788,672 of Toyooka et al. These rejections are respectfully traversed.

Briefly stated, the present invention provides a laser output circuit for an optical disk recording apparatus in which an optical disk is rotated at a constant angular speed and a signal is recorded while the disk is rotated. The laser output circuit includes a pickup control circuit for controlling a pickup position in which data is written onto the optical disk, a signal recording circuit for supplying to the pickup data to be written onto the optical disk, a signal level detection circuit for detecting a signal level of the signal read by the pickup, and a laser output setting circuit for setting a laser output for the writing of data onto the optical disk by the

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pickup. The test data is written onto a trial writing region on an inner peripheral side of the optical disk and onto an outer peripheral region outside a data writing region, the thus written test data is read from the disk, and the laser output is set in accordance with the signal levels of the test data read from both the trial writing region and the outer peripheral region. In accordance with the invention, and as recited in the last paragraph of claim 1, "said trial writing region, a buffer region, a lead-in region, a program region, and a lead-out region are disposed in order from the inner peripheral side of said optical disk toward the outer peripheral side, and said outer peripheral region is disposed outside the lead-out region" (emphasis added). Such feature in accordance with the invention is neither disclosed nor suggested by any of the cited references.

In rejecting claim 1 as unpatentable over Miyata in view of Lee or Kim, the Office Action states at the top portion of page 3 thereof "Lee discloses in figure 4 (or Kim in figure 4A) a trial writing region (PCA), a buffer region (PMA), a lead-in region (lead-in area), a program region (program area), and a leadout region (lead-out area) disposed in order from the inner peripheral side toward the outer peripheral side. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have added the trial, buffer, lead-in, program, and lead-out regions of Lee (or Kim) to the disk of Miyata, the motivation being to provide a more accurate test-writing".

Thus, the references to Lee and Kim are relied on for their disclosure of various different regions and, according to the Office Action, it would have been obvious to one skilled in the art to have added the regions to the disk of Miyata. However, a careful review of such secondary references, and particularly Lee which is relied on most heavily, shows that they neither disclose nor suggest an important feature in accordance with the invention. More specifically, while Lee discloses a

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lead-in region, a program region and a lead-out region, such reference does not disclose or suggest that "said outer peripheral region is disposed outside the lead-out region" as recited in claim 1. The same is true of the other references as well.

Therefore, claim 1 is submitted to clearly distinguish patentably over the cited references, taken individually or in the attempted combinations thereof. Similar comments apply to claims 3-8 which depend, directly or indirectly from, and contain all of the limitations of claim 1.

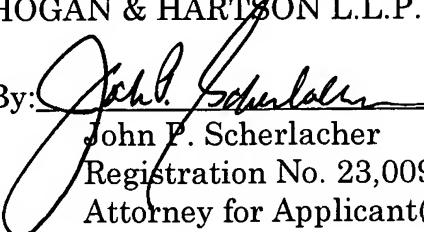
In conclusion, claims 1 and 3-8 are submitted to clearly distinguish patentably over the cited references for the reasons discussed above. Therefore, reconsideration and allowance are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6846 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
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